



Administrative and Residual Employees Union
Local 4200, AFT CT, AFT, AFL-CIO

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Professionals Working So State Government Works

Testimony of
Michael Winkler, 1st Vice-President
Administrative and Residual Employees Union
Before the Appropriations Committee
In Opposition to HB 6354
An Act Implementing the Governor's Budget Recommendations
Concerning General Government – March 22, 2013

Senator Harp, Representative Walker, and honorable members of the Appropriations Committee. My name is Michael Winkler and I am the 1st Vice-President of the Administrative and Residual Employees Union. I am testifying in opposition to HB 6354 an act implementing the Governor's budget recommendations concerning general government.

Since its creation in the aftermath of Watergate in 1975, the Freedom of Information Commission has stood for the promise that government is the people's business. Back in 1975, Governor Ella Grasso, backed by a unanimous legislature, recognized that an independent citizens' commission was essential to assure the people of Connecticut that they had meaningful access to their government. Today, the Freedom of Information Commission ensures that independence in important ways: the citizens' commission, not the governor, hires and supervises the executive director, who hires and supervises the commission's legal staff, and the governor cannot reduce the commission's budget without the permission of the legislature.

The Commission hears hundreds of FOI complaints each year, the vast majority of which are brought by ordinary citizens. The Commission provides an invaluable service to the people of Connecticut: a low cost and efficient way for the citizens and public officials to communicate about the public's business. Thanks to the independence that the Commission has enjoyed for nearly 40 years, both state and local officials, as well as members of the public, trust the Commission and its hearing officers for their objective approach, untainted by even the appearance of influence peddling or political meddling.

We all recognize the value of an independent judiciary. No one would like to live under a regime where judges could be removed or courthouses closed at the whim of a governor unhappy with a particular decision.

But that is what could easily happen to the adjudication process at the Freedom of Information Commission if the legislature passes the changes proposed by Governor Malloy. The hearing officers, who comprise the majority of the commission's legal staff, would be vulnerable to retaliation for an unpopular decision. Each hearing officer now takes pride in his or her responsibility to decide appeals filed with the commission objectively. While the current governor assures us that such retaliation would not occur, the possibility under the proposed bill that a governor could easily use his or her political power to influence a hearing officer's decision-making process cannot be ignored. Intimidating hearing officers would cripple the commission.

The Governor's bill also seeks to take over the Commission's ability to propose its own budget to the legislature, an amendment passed by the legislature in the wake of the turmoil of the Roland administration. There is no more powerful way to eviscerate a commission than to slash its budget, or have the power to threaten to do so.

This bill threatens the independence of all such watchdog agencies, including the State Ethics Enforcement Commission and the Elections Enforcement Commission. These agencies, including the Freedom of Information Commission, were consolidated under the Office of Government Accountability (OGA) in 2011 by Governor Malloy. Since then these offices have seen their budgets cut and their staff downsized. As a result, their ability to sustain government transparency and accountability has diminished.

The Governor has also proposed that staff at each of these offices be cross trained so that jobs would essentially interchangeable, robbing the professionals who protect the public trust with the level of expertise and experience to fulfill the mission of their offices. The legislature has opposed previous attempts to undermine and consolidate these watchdog agencies. We strongly suggest that it does so again.

In an effort to reach the budget savings that the governor is looking for, we would support the proposal of the leadership of the Elections Enforcement Commission which is attached to my testimony for your review. There are a number of ways to reach the budget savings sought. In addition to the Elections

Enforcement Commission's proposal, leaving vacancies unfilled would save a substantial cost to the State.

As the 1st Vice-President of A&R, whose members hold positions and carry out these duties every day, and as a citizen of this state, I am concerned about compromising independence and transparency in these important agencies. Independence and transparency is why these agencies were established as they currently exist. Their employees require the independence they currently have to do the best job possible for the public. Please oppose the consolidation of the watchdog agencies under an executive director who is the appointee of the Governor and support the cost savings plan submitted by the leadership of the Elections Enforcement Commission.

Thank you.